

REMARKS

Claims 1, 7, 8, 14, 35, 37, 38, and 40 are amended. Claims 4-6, 11-13, 36, and 39 are canceled.

Double Patenting

Claims 1-3, 5-10, and 12-68 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 8, 35, and 38 of co-pending Application No. 10/543,088.

Applicant submits that a terminal disclaimer in compliance with 37 C.F.R. §1.321(b) and (c) is filed concurrently with this Amendment thus rendering this objection moot.

Therefore, Applicants respectfully request the rejection of claims 1-3, 7-10 and 14-35, 37- 38, and 40-68 on the ground of nonstatutory, obviousness-type double patenting be withdrawn.

Claim Rejections – 35 U.S.C. § 112

Claims 5 and 7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit claim 5 has been canceled rendering the Examiner's rejection of claims 5 and 7 moot.

Therefore, Applicants respectfully request the rejection of claims 7 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 6, 8-10, 13, and 15-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond et al. (US 6,686,840, hereinafter "Hammond") in view of Brinkmeyer et al. (US 2001/0028295, hereinafter "Brinkmeyer").

Applicants respectfully submit, in the accordance with the proposal provided by the Examiner during the telephonic conference of August 24, 2009, claim 1 has been amended to include the limitations of claims 5 and 6 in order to render claim 1 allowable; and claim 8 has been amended to include the limitations of claims 12 and 13 in order to render claim 8 allowable. Accordingly, Applicants respectfully submit claims 1 and 8, and all claims depending from claims 1 or 8, are in condition for allowance.

Therefore, Applicants respectfully request the rejection of claims 1-3, 8-10, and 15-34 under 35 U.S.C. § 103 be withdrawn.

Claims 35-37, 39, 41-44, 52-58, 61 and 63-68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Howell (US 5,955,948, hereinafter “Howell”) in view of Brinkmeyer.

Applicants respectfully submit, in the accordance with the proposal provided by the Examiner during the telephonic conference of August 24, 2009, claim 35 has been amended to include the limitations of claim 36 in order to render claim 35 allowable. Accordingly, Applicants respectfully submit claim 35, and all claims depending from claim 35, are in condition for allowance.

Therefore, Applicants respectfully request the rejection of claims 35, 37, 41-44, 52-58, 61 and 63-68 under 35 U.S.C. § 103 be withdrawn.

Claims 38, 40 and 45-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Howell in view of Brinkmeyer.

Applicants respectfully submit, in the accordance with the proposal provided by the Examiner during the telephonic conference of August 24, 2009, claim 38 has been amended to include the limitations of claim 39 in order to render claim 38 allowable.

Accordingly, Applicants respectfully submit claim 35, and all claims depending from claim 35, are in condition for allowance.

Further, claims 45-46 depend from claim 35. Applicants respectfully submit, for at least the reasons stated above, claim 35 is in condition for allowance. Accordingly, at least by virtue of their dependence from claim 35, Applicants respectfully submit claims 45-46 are in condition for allowance.

Therefore, Applicants respectfully request the rejection of claims 38, 40 and 45-46 under 35 U.S.C. § 103 be withdrawn.

Claims 47, 49-51, 59-60 and 62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Howell in view of Brinkmeyer as applied to claim 38 above, and further in view of D'Angelo.

Claims 47, 49-51, 59-60 and 62 depend from claim 35. Applicants respectfully submit, for at least the reasons stated above, claim 35 is in condition for allowance. Accordingly, at least by virtue of their dependence from claim 35, Applicants respectfully submit claims 47, 49-51, 59-60 and 62 are in condition for allowance.

Therefore, Applicants respectfully request the rejection of claims 47, 49-51, 59-60 and 62 under 35 U.S.C. § 103 be withdrawn

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-3, 7-10, 14-35, 37-38, and 40-68 in connection with the present application is earnestly solicited.

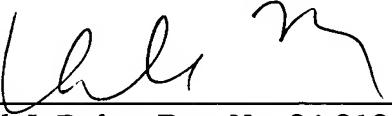
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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